

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments to the claims and following remarks.

#### **Status of the Claims**

Claims 1-58 are pending in this application. Claims 1, 13, 20, 26, 38, 43 and 47-53 are independent. All of the pending claims stand rejected. By this Amendment, independent claims 1, 13, 20, 26, 38, 43 and 47-53 are amended. Dependent claim 57 is also amended. No new matter has been added by this Amendment.

#### **Rejection under 35 U.S.C. §112**

Claim 57 has been rejected under 35 U.S.C. §112, second paragraph. The Office Action indicates that the limitation “said database” has insufficient antecedent basis.

Claim 57 has been amended to depend from claim 56, rather than 55. Applicant believes that there is antecedent basis for “said database” in claim 56.

Reconsideration and withdrawal of the rejection of claim 57 under 35 U.S.C. §112, second paragraph, is respectfully requested.

#### **Rejection under 35 U.S.C. §§102**

Claims 1-34, 36-40 and 42-53 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,272,235 to Bacus et al. (“Bacus I”).

Bacus I discloses a method and apparatus for constructing a virtual microscope slide comprised of digitally scanned images from a microscope specimen. The digitally scanned images are arranged in a tiled format for viewing without a microscope, and for transferring the tiled images for viewing by another at a remote location.

In Bacus I, the scanned images are stored in the computer server at the location where the slides are scanned (col. 3, lines 1+). It appears that the remote computer terminals retrieve only some of the stored images when viewing the virtual slides, i.e., only the requested areas of the scanned images are transmitted over the network (e.g., the Internet). See, for example, Fig. 6 of Bacus I where it describes “RETRIEVAL OF SPECIFIC PARTS OF IMAGE TILES TO FIT IN ACTIVE WINDOW”. See, also, col. 2, lines 43-48; col. 3, lines 30-38; col. 4, lines 63-66; col. 7, lines 16-20. In particular, a portion of Bacus I (i.e., col. 7, lines 16-20) describes:

Also, in accordance with the invention, the constructed, tiled macro and tiled micro images along with the control program can be placed on a web server and can be accessed locally and over a wide area, even globally, by multiple users at various times.

It appears that the user of Bacus I apparatus views the tiled images as if he views a website, i.e., by clicking the mouse on the image as many times as required. Upon receiving the request, the web server transmits the requested portion of the image.

Referring to claim 1, the Office Action indicates that Bacus I discloses each and every element of the claim, i.e., the “capturing a first image” (Figs. 9A, 9B, and col. 11, lines 1-15), “capturing at least one second image” (Fig. 2 and col. 19, lines 38-53), “storing” (col. 12, lines 18-45), “generating a linking information map” (col. 8, lines 47-59 and col. 6, line 64 to col. 7, line 15).

As indicated above, claims 1, 13, 20, 26, 38, 43 and 47-53 have been amended for further clarification. In particular, amended claim 1 recites, *inter alia*, “transmitting image information in its entirety including the first image, the second image and the linking information.” Other amended claims 13, 20, 26, 38, 43 and 47-53 recite similar features to claim 1 as discussed

herein. Support for the amendment may be found, for example, at the first full paragraph of page 6 (i.e., lines 4-15) of the original specification.

One of the aspects of the present invention as featured in the claims as amended transmits image information in its entirety. In other words, once the image information is transmitted in its entirety to a user, all of the required information for manipulating a virtual slide is inside the user's computer and the network may be disconnected, i.e., there is no further transmission over the network is required for viewing the virtual slide. Applicant believe that this feature of the present invention gives various advantages including expediting the viewing process of the virtual slide without having a traffic jam caused by the network.

In contrast, the speed of viewing action in Bacus I apparatus will depend on the integrity of the network (e.g., the Internet). In order to fully manipulate the entire virtual slide, the network connection needs to be intact all the time. Applicant believes that this mode of action experiences considerable delay in displaying the images on the screen as each click of the mouse will involve retrieval of several images over the network with some waiting time.

Accordingly, each of claims 1, 13, 20, 26, 38, 43 and 47-53 is believed neither anticipated by nor rendered obvious in view of Bacus I for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 13, 20, 26, 38, 43 and 47-53 under 35 U.S.C. §102(e) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

**Rejection under 35 U.S.C. §§103**

Claim 35 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Bacus I. Claim 41 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Bacus I in view of U.S. Patent No. 6,560,339 to Iwamura ("Iwamura"). Claims 54-57 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bacus I in view of U.S. Patent No. 6,031,930 to Bacus et al. ("Bacus II"). Claim 58 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Bacus I in view of Bacus II, and further in view of U.S. Patent No. 5,793,969 to Kamentsky ("Kamentsky").

Each of rejected claims 35, 41, 54-57 and 58 depends from one of the independent claims as indicated above. As Applicant understand it, none of the additionally cited references (i.e., Iwamura, Bacus II and Kamentsky), either alone or in combination, shows or suggests the inventive aspects of the present invention as discussed above, e.g., transmitting image information in its entirety in a virtual slide operation. Accordingly, each of claims 35, 41, 54-57 and 58 is believed neither anticipated by nor rendered obvious in view of the additionally cited references for at least the similar reasons as discussed above for claim 1.

Reconsideration and withdrawal of the rejections of claims 35, 41, 54-57 and 58 under 35 U.S.C. §103(a) is respectfully requested.

**New Claims**

New claims 59-64 have been added to recite the claimed invention in an alternative manner. Specifically, each of claims 59-64 recites that an electronic mail system over the Internet is used for the method/system. Support for the amendment may be found for example, the first full paragraph of page 9 (i.e., lines 3-7) of the original specification. Each of added

claims 59-64 depends from claims 1, 26, 43, 47, 52 and 53, respectively. Each of claims 59-64 is accordingly believed to be allowable for at least similar reasons as for claim 1 as discussed above.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

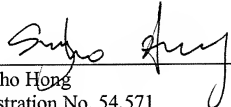
**AUTHORIZATION**

A petition for a two-month extension of time along with the associated fee is enclosed, extending the date for responding until December 11, 2006. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 0887-4151US1).  
A DUPLICATE COPY OF THIS SHEET IS ENCLOSED. An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: December 11, 2006

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**AUTHORIZATION**

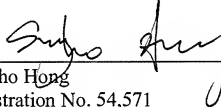
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